

41-22-37 Off-highway vehicle operator responsibilities.

- (1) An off-highway vehicle operator who is 18 years of age or older shall accept legal responsibility for injury or damage of any kind to the extent that the injury or damage results from risks inherent in the sport of off-highway vehicle use.
- (2)
 - (a) An off-highway vehicle operator shall regulate personal conduct at all times so that injury to self or other persons or property that results from the risks inherent in the sport of off-highway vehicle operation is avoided.
 - (b) Risks inherent in the sport of off-highway vehicle operation under Subsection (1) include:
 - (i) variations in terrain;
 - (ii) surface or subsurface conditions;
 - (iii) crevices;
 - (iv) ravines;
 - (v) streams;
 - (vi) poor visibility;
 - (vii) rocks;
 - (viii) trees;
 - (ix) other forms of forest growth or debris; and
 - (x) any other natural hazard.
- (3) An off-highway vehicle operator is responsible for:
 - (a) knowing the range of the operator's ability to navigate any slope, trail, or area for off-highway vehicle use, taking into consideration the conditions;
 - (b) maintaining control of speed and course at all times while operating the off-highway vehicle;
 - (c) heeding all posted warnings; and
 - (d) refraining from acting in a manner that may cause or contribute to the injury of any person.
- (4) The provisions of this section do not affect a product liability cause of action based upon proper warning, design, or manufacture of off-highway equipment or products or safety equipment used incidental to the operation of an off-highway vehicle.
- (5) The provisions of this section do not affect a passenger's cause of action or ability to recover for injuries.
- (6) The provisions of this section do not affect an off-highway vehicle owner's liability for negligent entrustment.

Enacted by Chapter 150, 2011 General Session